

FIRST REGULAR SESSION

SENATE BILL NO. 168

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAYER.

Pre-filed December 14, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

0191S.02I

AN ACT

To amend chapter 290, RSMo, by adding thereto one new section relating to employment at will.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 290, RSMo, is amended by adding thereto one new section, to be known as section 290.594, to read as follows:

290.594. 1. As used in this section, the following terms shall mean:

(1) "Employer", includes the state or any political or civil subdivision thereof; any person, partnership, association, or corporation employing six or more persons within the state; or any person directly acting in the interest of an employer; but does not include partnerships, associations, or corporations owned and operated by religious or sectarian groups;

(2) "Proper authorities", public authorities or authorities of the employer, excluding any individual who engaged in the reported illegal conduct.

2. Employees who are not employed under a contract containing a statement of duration shall be employed at-will and may be discharged at any time, with or without cause, subject to contrary statutory provisions and the exceptions provided in subsections 3 and 4 of this section.

3. Employees shall not be deemed employed at-will and shall not be subject to discharge when the elements of a whistle-blower cause of action for wrongful discharge are established. A whistle-blower cause of action for wrongful discharge is established if an employee proves by a preponderance of the evidence that:

22 (1) The employee reported to proper authorities serious
23 misconduct that constitutes an actual violation of a statute,
24 constitutional provision, or regulation;

25 (2) The employee was discharged; and

26 (3) The discharge was caused by the employee's report to the
27 proper authorities.

28 4. Employees shall not be deemed employed at-will and shall not
29 be subject to discharge when the elements of a refusal to commit an
30 illegal act cause of action for wrongful discharge are established. A
31 refusal to commit an illegal act cause of action for wrongful discharge
32 is established if an employee proves by a preponderance of the
33 evidence that:

34 (1) The employer directed the employee to perform conduct that
35 actually violated a statute, constitutional provision, or regulation;

36 (2) The employee specifically refused the directive to perform
37 the unlawful act;

38 (3) The employee was discharged; and

39 (4) The discharge was caused by the employee's refusal to
40 perform the unlawful act.

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